IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 16391 of 2007(B)

PETITIONER:

1. P.D.JOSE, S/O DEVASSY, AGED 44 YEARS, PARAMBATH HOUSE, POOVATHUSSERY, P.O.PARAKADAVU, ERNAKULAM(TECHNICIAN, MICROWAVE PRODUCTS INDIA LTD., MICRO NAGAR, DUTHANCHIRA P.O., 680682, THRISSUR DISTRICT).

2. A.O.THOMAS, S/O OUSEPH, ACHANDI HOUSE, ANNALLOOR P.O., CHALAKUDY(VIA), THRISSUR DISTRICT(TECHNICIAN, MICROWAVE PRODUCTS INDIA LTD., MICRO NAGAR, PUTHANCHIRA P.O., 680682, THRISSUR DISTRICT).

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:

1. PROVIDENT FUND COMMISSIONER, SUB-REGIONAL OFFICE, P.B.NO.1895, KALOOR, COCHIN-18.

2. M/S.MICROWAVE PRODUCTS(INDIA)LTD., REPRESENTED BY ITS DIRECTOR, SRI.K.V.GOPINATHAN NAIR, THACHERIAL HOUSE, NADUVATHU NAGAR, CHERTHALA, ALLEPPEY.

BY ADV. SRI.S.GOPAKUMARAN NAIR, SC, P.F.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 16391/07.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE REQUEST BEFORE R1.

P2. COPY OF THE ANNUAL STATEMENT 95-96 BY R1 TO R2.

P3. COPY OF THE ANNUAL STATEMENT 96-97 BY R1 TO R2.

P4. COPY OF THE REQUEST DTD.28.3.07.

Sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

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W.P.(C).No.16391 of 2007

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Dated this the 26th day of July, 2007

J U D G M E N T

The petitioners filed Exts.P1 and P4 representations before the 1st respondent complaining that the 2nd respondent is not taking appropriate steps to cover the employees of the 2nd respondent under the Employees' Provident Funds and Miscellaneous Provisions Act ("the Act" for short). The petitioners now seek a direction to the 1st respondent to consider Exts.P1 and P4 and take appropriate action as warranted by law.

2. I have heard the learned Standing Counsel for the Provident Fund Organization also.

3. Since the 1st respondent is bound to take appropriate action to implement the Act, when the employees complain about inaction by an employer to comply with the provisions of the Act, the 1st respondent has a duty to look into the complaints filed by the employees. In the above circumstances, I direct the

1st respondent to consider Exts.P1 and P4 and to take appropriate action, if warranted under law. Orders in this regard shall be passed within a period of two months from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.